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**FACSIMILE SUBMISSION UNDER 37 CFR 1.8**

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TO:	Mail Stop Amendments	FROM:	Jason D. Kelly
COMPANY:	U.S. Patent & Trademark Office	DATE:	OCTOBER 3, 2006
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	571-272-4756	SENDER'S REFERENCE NUMBER:	1023-271US02
RE:	Response to Election Requirement	APPLICATION SERIAL NUMBER:	10/656,855

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nicolas C. Rivron;  
Paul V. Trescony;  
Michael F. Wolf  
Serial No.: 10/656,855  
Filed: September 4, 2003  
Examiner: Brian E. Pellegrino  
Group Art Unit: 3738  
Docket No.: 1023-271US02  
Title: IMPLANTABLE MEDICAL DEVICES HAVING RECESSES

Confirmation No. 8584  
Customer No.: 28863

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CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on October 3, 2006.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

Mail Stop Amendments  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing  
☒ Response to Election Requirement (1 pg.)  
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

10/3/06

By:

Jason D. Kelly  
Name: Jason D. Kelly  
Reg. No.: 54,213

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RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

This response is to the Office Action mailed September 6, 2006. Claims 11, 12 and 14-41 have been made subject to an election of species requirement under 35 U.S.C. § 121 as follows:

Species I: Fig. 8

Species II: Fig. 9

Species III: Fig. 10

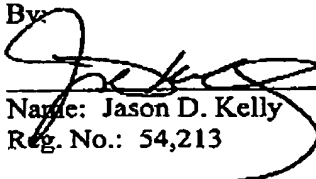
Applicant hereby elects Species III (FIG. 10) without traverse. Applicant submits that all of pending claims 11, 12 and 14-41 are readable on Species III.

Applicant also respectfully disagrees with the assertion in the Office Action that no claims are generic to the three species. As examples, independent claims 11, 19, 25, 33 and 35 are generic to the three species.

Date:

10/3/06  
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By:

  
Name: Jason D. Kelly  
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